

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DAVID J. BEAULIEU,

Plaintiff,

Case No. 24-cv-964-pp

v.

ANDREW HERRMANN, *et al.*,

Defendants.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANTS' MOTION TO
DISMISS (DKT. NO. 5)**

On September 19, 2024, the defendants filed a motion to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 5. The defendants argue that the plaintiff's claims are barred by claim and issue preclusion, the complaint fails to establish any cognizable claims and the defendant officers are entitled to qualified immunity.

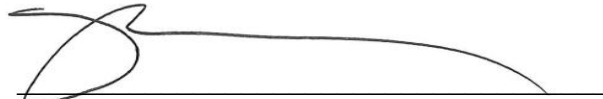
Under Civil Local Rule 7(b) (E.D. Wis.), if the plaintiff wishes to oppose the motion he must do so within twenty-one days—that is by October 10, 2024. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that he has another option—he may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P.

15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by October 10, 2024 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 20th day of September, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge